P.R. No. 3523/06
Presented by Shri Kanwal Das
dated 13/12/06

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
(CHHATTISGARH)

W.P.No.3511 / 2006 SINGLE BENCH

Petitioner :

Srikant Kumar Mishra
S/o Shri Antaryami Mishra, Aged about 51 years, Presently working as Chief Security Commissioner, South East Central Railway, Bilaspur (C.G.)

Versus

Respondents :

1) Union of India – Through the Secretary, Railway Board, Ministry of Railways, Railway Bhavan, New Delhi.

2) Member Staff, Railway Board, Ministry of Railways, Railway Bhavan, New Delhi.

3) The Director General Railway Protection Force, Railway Board, Ministry of Railways, Railway Bhavan, New Delhi.

4) The Director Establishments, Railway Board, Ministry of Railways, Railway Bhavan, New Delhi.

5) Shri Anil Sharma, DIG-cum-CSC, Western Railway, Church Gate, Mumbai.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 3511/06 **सन् 200**

41

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17.7.2006 Heard Shri P. Diwakar, Sr. Advocate with Shri P.R. Patankar, Advocate for the petitioner. Shri Amit Choudhary, Standing Counsel for the respondents on advance copy. By the instant petition the petitioner, who is working as Chief Security Officer, South East Central Railway, Bilaspur, has challenged the transfer order dated 11.7.2006 (Annexure P-4) whereby he has been transferred from Bilaspur and posted as Principal, Jagjivan Ram Railway Protection Force Academy, Lucknow. The grounds of the challenge are that the normal tenure is 4 years, whereas, the petitioner has been transferred just after completion of 3 years, the petitioner has been transferred to accommodate respondent No.4, the petitioner's wife has started practicing as Dentist in the Bilaspur and his son is studying in Class 9th at Bilaspur. Learned Sr. Advocate for the petitioner submitted that looking to the excellent and outstanding service record of the petitioner, even the General Manager, Railway, Bilaspur vide Annexure P-7 has recommended for cancellation of his transfer order and moreover, the person who has been transferred in place of the petitioner has obtained stay from the Bombay High Court by filing a writ petition	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

42

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

against his transfer, therefore, immediately no person is coming in place of the petitioner. He further submits that the petitioner has already made a representation (Annexure P-6) to respondent No.2 raising all his grievances, as such, he be directed to decide the same in accordance with law and in the meantime, the impugned order be stayed, to which learned Standing Counsel for the Railways has not objected.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, respondent No.2 is directed to consider the representation of the petitioner in accordance with law and decide the same within a period of 30 days from today. As no person in place of the petitioner is coming immediately, therefore, till the decision on the representation, the petitioner may be allowed to continue on the post, if he is alreacy not relieved.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.2700/06 also stands disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

P.T.O.